

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MICHAEL P. HENDERSON,

Case No. 09-CV-0217 (PJS/RLE)

Plaintiff,

v.

ORDER ADOPTING REPORT AND
RECOMMENDATION

ALLEN MARXHAUSEN, JAN KOLB, and
MILLE LACS COUNTY,

Defendants.

Michael P. Henderson, pro se.

This matter is before the Court on plaintiff's objection to the Report and Recommendation ("R&R") of Chief Magistrate Judge Raymond L. Erickson. Judge Erickson recommends dismissing this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Based on that review, the Court OVERRULES plaintiff's objection [Docket No. 4] and ADOPTS the R&R [Docket No. 3]. IT IS HEREBY ORDERED that:

1. This action is summarily DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Plaintiff's motion for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 20, 2009

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge